
Statement by Robert Klein, Chairman of the Independent Citizens Oversight Committee: on the Close of the Appellate Court Hearing Concerning California's Stem Cell Agency

Posted: February 14, 2007

SAN FRANCISCO, February 14, 2007 - Oral arguments were heard this afternoon by the California Court of Appeal, in the litigation challenging the Constitutionality of the California Stem Cell Research and Cures Act (Proposition 71). Under the California Constitution, the Appellate Court must render a decision in the case within 90 days of the hearing, absent additional briefings required by the court.

Robert N. Klein, chairman of the Independent Citizens Oversight Committee, the governing board for the state agency managing the \$3 billion stem cell research program, issued the following statement:

In the eyes of seven million Californian voters and the Alameda County Superior Court, Proposition 71 is constitutional. Proposition 71 provides the critical research funds that are so desperately needed to reduce the suffering from more than 70 diseases and injuries.

To quote from Superior Court Judge Sabraw's decision of November 2005, "The Supreme Court has stated that it is the court's solemn duty to uphold an initiative, resolving all doubts in its favor, unless its unconstitutionality clearly, positively, and unmistakably appears." Judge Sabraw proceeded to find in April 2006 that all elements of Proposition 71 are constitutional.

The opponents we faced in court today continue to ignore that very clear mandate. They are seeking to delay our funding, to force our scientists to leave this great state to pursue their research elsewhere, and to dampen the hopes of tens of millions of patients everywhere.

Despite the opponents' efforts, \$130 million in Proposition 71 stem cell research funding for California scientists is scheduled to be in place by March 15th. This is the scientific research Californians have overwhelmingly demanded. Private civic leaders, and their attorneys, across California, have backed up their belief in the constitutionality of Proposition 71 by purchasing \$45 million in bond anticipation notes; these notes' repayment depends on California winning the Proposition 71 case. Governor Schwarzenegger and his attorneys, believe in the constitutionality of Proposition 71, and the Governor has advanced a \$150 million loan to advance this critical medical research.

California is increasingly recognized internationally as one of the leading centers of stem cell research in the world. We continue to attract seasoned researchers to the state. Proposition 71 funds have already begun to train the next generation of stem cell experts.

In addition to CIRM funding, more and more private contributions are being directed to many of the state's institutions, anticipating the need for additional facilities to accommodate this exciting new field of biomedical research. We believe that the Alameda County Superior Court is correct: Proposition 71 is constitutional.

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